

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	CR418-238
)	
MICHAEL MCLEMORE,)	

REPORT AND RECOMMENDATION

On November 8, 2018, the Court ordered a forensic psychological examination of defendant Michael McLemore, in accordance with 18 U.S.C. § 4241(a) and (b), to assess both his mental competency for trial and his criminal responsibility for the charged offense. Doc. 20. He has since had a comprehensive psychological evaluation at the Federal Medical Center in Fort Worth, Texas. Doc. 22; doc. 23 (Addendum). His evaluators found that he is competent to stand trial and was sane at the time of the offense. Doc. 22 at 11; doc. 23 at 4.

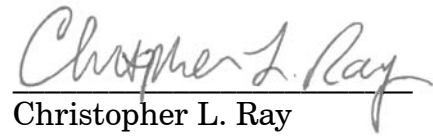
Both defendant and the government stipulate to the report's findings. Doc. 24. The Court concurs with the report's unrebutted findings and concludes that McLemore is not presently suffering from a mental disease or defect rendering him mentally incompetent to stand

trial. It is therefore **RECOMMENDED** that defendant be found competent to stand trial pursuant to 18 U.S.C. § 4241.

This R&R is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonett v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 4th day of
March, 2019.

A handwritten signature in cursive script, reading "Christopher L. Ray", written in black ink.

Christopher L. Ray
United States Magistrate Judge
Southern District of Georgia